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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,295	06/26/2003	Geoffrey Howard Harris	MS1-1478US	7876

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EXAMINER	
NGUYEN, LE V	
ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/609,295	HARRIS ET AL.	
	Examiner	Art Unit	
	LE NGUYEN	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10 and 12-97* is/are pending in the application.

4a) Of the above claim(s) *16-97* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10 and 12-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 10/31/08.

2. Claims 1-97 are pending in this application; and, claims 16-97 are withdrawn from consideration. Claims 9 and 11 have been cancelled; and, claim 1 has been amended. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 4-8, 10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin et al. ("Robbin", US 2003/0167318 A1) in view of Ryan et al. ("Ryan", US 2003/0084452), in view of Hitson et al. ("Hitson", US 2002/0010759), and further in view of Abe (US 6,345,308).

As per claim 1, although Robbin teaches a computer-readable medium comprising computer-executable instructions that perform the following when executed by a computer: receiving a request to perform a media operation with respect to a media file (paragraphs [0029], [0033]-[0034] and [0049]); determining a media provider to which the media file is attributable; assessing if the media provider allows the media operation to be performed with respect to the media file (paragraphs [0029], [0033]-

[0034] and [0049]; host computer provides media); and performing the requested media operation if allowed by the media provider (paragraphs [0033]-[0034] and [0049]; given are examples of operations allowed by provider and performed by provider), Robbin does not explicitly disclose the UI being a universal UI permitting access to a first stream from a first media provider and a second stream from a second media provider. Ryan teaches receiving a universal UI permitting access to a first stream from a first media provider and a second stream from a second media provider (paragraphs [0005]-[0006], [0020] and [0033]). It would have been obvious to include the method of Ryan with the method of Robbin in order to aggregate all the content from multiple screens into a single display and, thereby, providing content and navigation in an easy-to-use manner regardless of its data source.

However, Robbin and Ryan do not explicitly disclose denying the requested media operation if not allowed by the media provider. Hitson teaches denying the requested media operation if not allowed by the media provider (Abstract; paragraph [0153]) It would have been obvious to include the method of Hitson with the method of Robbin and Ryan in order to provide a layer of security.

Robbin, Ryan & Hitson still do not explicitly disclose storing an application locally and accessing it on a local platform; however, storing OS and application programs and accessing application programs via a local platform is well known in the art as taught by Abe (col. 1, lines 50-56). It would have been obvious to include the method of Abe with the method of Robbin, Ryan & Hitson in order to provide for such scenarios as loss of

network connection and, therefore, allow users to work off-line, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPG2d at 1397 (2007).

As per claim 2, the modified Robbin teaches a computer-readable medium wherein the determining is performed with the aid of a unique identifier for the media provider that is within the media file (Robbin: [0036]).

As per claim 4, the modified Robbin teaches a computer-readable medium wherein the determining is performed without communication across a communications network (Robbin: fig. 2; wherein a cable has been selectively established between media player 202 and PC/host computer 204 prior to communication).

As per claims 5-8, the modified Robbin teaches a computer-readable medium wherein the assessing is performed by executing computer code/code module associated with the requested media operation received from the media provider (Robbin: [0036]; wherein an API is required for invoking code modules). The modified Robbin further teaches assessing code and/or information from a remote source as is well known in the art (Ryan: paragraphs [0005]-[0006], [0020] and [0033]).

As per claim 10, the modified Robbin teaches a computer-readable medium comprising communication with the media provider (Robbin: fig. 2). The modified Robbin further teaches communicating with the media provider if the media operation is not allowed by the media provider and presenting options to a user through the user interface for gaining allowance from the media provider (Hitson: Abstract).

As per claim 12, the modified Robbin teaches a computer-readable medium wherein the media operation includes downloading the media file to a portable media playing device (Robbin: paragraph [0026]).

As per claim 13, the modified Robbin teaches a computer-readable medium wherein the media operation includes recording the media file onto a permanent medium (Robbin: paragraph [0026]).

As per claim 14, the modified Robbin teaches a computer-readable medium wherein the media operation includes recording the media file onto a compact disk (Robbin: paragraph [0026]).

As per claim 15, the modified Robbin teaches a computer-readable medium wherein the media operation includes recording the media file onto a digital video disk (Robbin: paragraphs [0026] and [0053]; the passages describes recording media items on disks wherein media items include videos).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin et al. ("Robbin", US 2003/0167318 A1), in view of Ryan et al. (“Ryan”, US 2003/0084452), Hitson et al. (“Hitson”, US 2002/0010759) and Abe (US 6,345,308), and further in view of Nykanen et al. (“Nykanen”, US 2004/0248561).

As per claim 3, although the modified Robbin teaches a computer-readable medium wherein the determining is performed with the aid of a unique identifier for the media provider that is within the media file (Robbin: [0036]), the modified Robbin does not explicitly disclose the unique identifier being a header. The use of headers as

unique identifiers are well known in the art as taught by Nykanen et al. (paragraph [0041]). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPG2d at 1397 (2007), it would have been obvious to include the method of Nykanen with the method of the modified Robbin in order to keep metadata and content data separate and preserve the integrity of the content.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection, except for the following:

Applicant argued:

Nykanen is directed to a system, method and apparatus that enables an end user of a mobile terminal to establish a primary content channel having primary content feedback provided via a path.

The Office disagrees for the following reasons:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The teaching extracted from Nykanen is for the feature of indexing for searching and the use of headers as unique identifiers (par [0041]).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension.

Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached at (571) 272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
January 20, 2009
/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178